

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>Priya Saxena, Plaintiff, v. Kristi Noem, in her official capacity as Secretary of Homeland Security; the Department of Homeland Security; and Todd Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, Defendants.</p>	<p>5:25-cv-05035-KES DEFENDANTS' MOTION TO DISMISS</p>
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Defendants, Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security (“DHS”), DHS, and Todd Lyons, in his official capacity as Acting Director of the U.S. Immigration and Customs Enforcement (“ICE”) (collectively, the “Defendants”), by and through their undersigned counsel of record, respectfully move to dismiss this action under Federal Rules of Civil Procedure 12(b)(1) and 12(h)(3) for lack of subject matter jurisdiction, and Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

This motion is supported by the Brief in Support of Defendants’ Motion to Dismiss filed herewith.

Dated this 30th day of June 2025.

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